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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,713

05/12/2005

Haruhiko Naruse

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7055 7590 09/12/2008  
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EXAMINER

NGUYEN, DUNG V

ART UNIT

PAPER NUMBER

3723

NOTIFICATION DATE

DELIVERY MODE

09/12/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,713	<b>Applicant(s)</b> NARUSE ET AL.	
	<b>Examiner</b> Dung Van Nguyen	<b>Art Unit</b> 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-11-2005</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chan et al (US 2004/0177458). Chan et al discloses an electric toothbrush 102 comprising a motor 112, a brush body 160 rotating about a rotating shaft which formed a predetermined angle with a driving shaft of the motor 112, a lever member 116 provided between the motor 112 and the brush body 160 and pivoted to swing about a predetermined swing shaft 124, a first motion converting mechanism provided between the driving shaft of the motor 112 and a first end portion of the lever member 116 positioned at the side of the motor 112 and converts rotating motion of the driving shaft of the motor into swinging motion of the lever member 116, a second motion converting mechanism provided between the brush body and a second end portion of the lever member 116 positioned at the side of the brush body and converts swinging motion of the lever member 116 into reciprocal rotating motion of the brush body, wherein the first motion converting mechanism comprises an eccentric member 114 coupled to the driving shaft of the motor 112, wherein the second motion converting

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mechanism comprises a pin at the second end portion of the lever member 116 and a groove 166 provided at the brush body 2, wherein the swinging plane of the second end portion of the lever member 116 is not parallel with the driving shaft of the motor 112, wherein the rotating shaft of the brush body 2 forms a predetermined angle except substantially right angle with respect to the swinging plane of the second end portion of the lever member 116, wherein the swinging shaft of the lever member forms a predetermined angle except substantially right angle with respect to the driving shaft of the motor 112 (note Fig. 2, paragraphs [0045] – [0048]).

3. Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kwong (USP 7,150,061). Kwong discloses an electric toothbrush comprising a motor 18, a brush body 2 rotating about a rotating shaft 9 which forms a predetermined angle with a driving shaft of the motor 18, a plurality of lever members 24, 22 provided between the motor 18 and the brush body 2, each pivoted to swing about a predetermined swinging shaft 7, 3 and coupled with each other to freely swing in the reverse direction to each other, a first motion converting mechanism provided between the driving shaft of the motor 18 and a first end portion of the lever member 24 closest to the motor 18 and converting rotating motion of the driving shaft of the motor 18 into swinging motion of the lever member 24, a second motion converting mechanism provided between the brush body 2 and a second end portion of the lever member 22 closest to the brush body 2 and converts swinging motion of the lever member 22 into reciprocal rotating motion of the brush body 2 (note Fig. 1-5, col. 2, line 30 to col. 3, line 4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al (US 2004/0177458) in view of Kwong (USP 7,150,061). Chan discloses the claimed invention as described above, except eccentric shaft of the eccentric member comprises a roller in parallel with the driving shaft of the motor and a head portion provided with the lever member detachable from a grip portion provided with the motor. Kwong discloses an eccentric shaft of the eccentric member comprises a roller in parallel with the driving shaft of the motor and a head portion provided with the lever member detachable from a grip portion provided with the motor (note Fig. 1-2, col. 2, lines 30-34). Because both Chan and Kwong teach an electric toothbrush, it would have been obvious to one skilled in the art to substitute eccentric member and head portion of Chan et al with an eccentric member and a detachable head portion of Kwong to achieve the predictable result of using a head portion with a grip portion of the electric toothbrush.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gross et al, Amakasu, Matsui et al, Drossler et al and Zhuan are cited to show related inventions.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Van Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on PHP Program.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dung Van Nguyen/  
Primary Examiner, Art Unit 3723